IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

W.P.(C).No. 15107 of 2007(W)

PETITIONER:

B.JAYARAJ, AGED 41 YEARS,
S/O.BHASKARA PILLAI, KALLECHIRA VEEDU,
CHERUPPUNGAL P.O., (CLERK, THALANAD N,
S.H.HIGH SCHOOL, THALANAD).

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

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1. DISTRICT EDUCATIONAL OFFICER, PALA.

2. DISTRICT EDUCATIONAL OFFICER,
KANJIRAPPALLY.

3. GENERAL MANAGER AND INSPECTOR OF
N.S.S. SCHOOL, PERUNNA, CHANGANACHERRY.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.15107 OF 2007

Dated this the 31st day of May, 2007

JUDGMENT

Petitioner was placed under suspension while he was working as clerk in Thalanad N.S.S. High School on certain charges of misappropriation of funds, dereliction of duty, etc. The order of suspension dated February 5, 2007 is on record as Ext.P1. Thereafter, the period of suspension was extended after obtaining departmental sanction till the completion of the disciplinary proceedings as revealed from Ext.P3 order.

2. By communication dated April 16, 2007, a copy of which is on record as Ext.P4, respondent no.1 directed the petitioner to appear before him for enquiry in connection with the disciplinary action initiated against him. It is at that stage petitioner has preferred this writ petition contenting inter alia that the order of suspension itself is totally vitiated, illegal and arbitrary. It is the case of the petitioner that he is liable to be reinstated in service for the sole reason that the entire action is without jurisdiction. I refrain from making any

observation on the above contention since in my view petitioner has to raise all these contentions before the authority concerned, at the appropriate stage. Ext.P4 is only a notice directing the petitioner to attend the enquiry. It is premature to consider this aspect at this stage.

3. Learned counsel submits that petitioner will be satisfied, if he is permitted to withdraw the writ petition with liberty. Permission is granted. Writ petition is dismissed as withdrawn. It is reiterated that it will be open to the petitioner to urge all his contentions before the appropriate authority. The disciplinary proceedings shall be completed as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. Petitioner shall be paid subsistence allowance legally permissible forthwith.

Writ petition is dismissed as withdrawn.

A.K.BASHEER, JUDGE

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